

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Theodor Albert, Presiding
Courtroom 5B Calendar**

Wednesday, August 4, 2021

Hearing Room

5B

10:00 AM

8:00-000000

Chapter

#0.00 Hearings on this calendar will be conducted using ZoomGov video and audio.

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address:

<https://cacb.zoomgov.com/j/1608268658>

ZoomGov meeting number: 160 826 8658

Password: 716043

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

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Docket 0

Tentative Ruling:

- NONE LISTED -

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8:21-11558 Parks Diversified, LP

Chapter 11

#1.00 STATUS CONFERENCE RE: Chapter 11 Voluntary Petition Non-Individual.

Docket 1

Tentative Ruling:

Tentative for 8/4/21:

Deadline for filing plan and disclosure, October 1, 2021. Claims bar 60 days after dispatch of notice.

Party Information

Debtor(s):

Parks Diversified, LP

Represented By
Marc C Forsythe

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8:19-11153 Harry L Morris, Jr.

Chapter 11

**#2.00 Motion For Approval Of Chapter 11 Disclosure Statement And Copy Of Plan Of Reorganization
(cont'd from 6-23-21)**

Docket 159

Tentative Ruling:

Tentative for 8/4/21:

The court agrees with the opposition on the question of lumping two different classes together into one class, 6B, but then trying to justify different payment percentages based upon whether they hold separate property or community property claims. The more logical approach would be two separate classes. But more fundamentally, the court is unclear why we are doing this through a Chapter 11 plan at all; why cannot a Chapter 7 trustee perform the same tasks? If the argument is lesser costs, explain.

Tentative for 4/21/21:

Given that the disclosure statement was amended only on April 15, it would appear that a continuance is in order. It also seems that this case is likely to come down to a dispute over the interplay between payment of community debts, payment of equalization, homestead and characterization of certain claims. At the very least the nature of the dispute should be clearly set forth in the disclosure statement and discussion had over what happens if the court ends up ruling against debtor in whole or in part.

Continue.

Tentative for 2/10/21:

The DS has some problems as Debtor seems to admit, especially surrounding the details of the proposed sale. In the reply, Debtor states that the DS will be amended to include details of a pending (?) sale of his real

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CONT... **Harry L Morris, Jr.**
property.

Chapter 11

Debtor also concedes that amendment to the DS is required as to the Buncher claim . Debtor also disputes the allegation of fraud in connection with the MORs because he claims that his monthly alimony payments are deducted before funds are added to his DIP account. It is not clear from Ms. Morris' opposition whether she is conceding that Debtor is current on his monthly alimony obligations. Debtor also claims that the opposition confuses "impaired" and "disputed" when discussing Class 2 creditors such as Deutsche Bank and County of Orange. To be clear, Debtor is asserting that those claims are disputed.

In sum, the DS requires amendment, as Debtor seems to concede. The sale of real property that the entire plan depends upon has not been consummated, despite an alleged sale contract being in place. As the U.S. Trustee points out, there is no timeline for the sale of the property. Some of Mrs. Morris' opposition raise issues of confirmation, not necessarily of adequate disclosure. Still, when the DS is amended, Debtor would do well to take some of Mrs. Morris' comments to heart and address them, particularly, the community property/community debt portion of the opposition. As the U.S. Trustee points out, the feasibility of the plan is open to question. Thus, the hearing on the adequacy of the DS should be continued to allow for a sale to be actually completed (or at least imminent) and for Debtor to address the concerns put forth by the U.S. Trustee and Mrs. Morris. It appears that a motion to approve the sale of real property has been filed and is on calendar for 3/10/21. Continue to either that date or shortly thereafter to allow corrections and supplements to DS.

Party Information

Debtor(s):

Harry L Morris Jr.

Represented By
Caroline S Kim

Movant(s):

Harry L Morris Jr.

Represented By
Caroline S Kim

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8:20-10269 Rafik Youssef Kamell

Chapter 11

#3.00 Motion for Order: (1) Approving Assignment of Judgment Subject to Liens Per 11 U.S.C. § 363(b); (2) Approving Overbid Procedures; and (3) Waiver of Federal Rule of Bankruptcy Procedure 6004(h)

Docket 163

Tentative Ruling:

Tentative for 8/4/21:

The court agrees that the judgment debtor has no standing to complain. Moreover, the timeliness of renewal under state law is an independent question which can and should be looked after asap. There may be application of §108; the court makes no finding one way or the other. Since no creditor has objected the court sees no reason to question the exercise of business judgment. grant

Party Information

Debtor(s):

Rafik Youssef Kamell

Represented By
Robert P Goe

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8:20-10143 Bridgemark Corporation

Chapter 11

**#4.00 STATUS CONFERENCE RE: Chapter 11 Voluntary Petition Non-Individual.
(cont'd from 7-28-21)**

Docket 1

Tentative Ruling:

Tentative for 8/4/21:
See #s 5 and 6.

Tentative for 7/28/21:
See #s 14-16.

Tentative for 6/23/21:
Continue to adequacy of disclosure or confirmation hearing.

Tentative for 4/7/21:
See #9.

Tentative for 3/31/21:
See #16. Appearance: optional

Tentative for 2/24/21:

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Chapter 11

Continue to March 31, 2021 @ 10:00 a.m.

Tentative for 2/10/21:
Same as #8. Appearance: required

Tentative for 2/26/20:
The court will, at debtor's request, refrain from setting deadlines at this time in favor of a continuance of the status conference about 90 days, but the parties should anticipate deadlines to be imposed at that time.

Party Information

Debtor(s):

Bridgemark Corporation

Represented By
William N Lobel

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8:20-10143 Bridgemark Corporation

Chapter 11

#5.00 Joint Motion For Order Confirming Joint Chapter 11 Plan of Liquidation
Proposed by Bridgemark Corporation and Placentia Development Company,
LLC, Dated as of June 30, 2021
(con't from 7-28-21)

Docket 501

Tentative Ruling:

Tentative for 8/4/21:

If the court is correctly informed, the only controversy as yet unresolved is the status of the four mineral rights licensor claims (see #6) and whether the closing and abandoning to be done under the plan (to be performed by the plan agent under the Liquidation Trust and appointed under the plan) constitutes a post-petition breach of the leases giving rise to a monetary administrative claim under §§503 and 507(a)(2). The court has seen nothing further on this point. This might not necessarily prevent confirmation at this time if the upper limit of the possible claims is financially provided for (with suitable assurances) under the plan, since the holders of allowed administrative claim are entitled to be paid in full, in cash as of the effective date of the plan under §1129(9). While the treatment of administrative claims under Article II ¶2.2 may provide some leeway on timing of payment, that is not paralleled by the code definition and requirements at §1129(a)(9)(B) and the plan definition of "effective date." For the court to confirm, among other things, must be proved the feasibility of the plan as provided under § 1129(a)(11). So, the bottom line is, can those mechanisms and assurances be given now or must plan confirmation await determination on the allowance issues?

Tentative for 7/28/21:

Confirm. See #s 15 and 16 to be reflected in order.

Party Information

Debtor(s):

Bridgemark Corporation

Represented By

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Bridgemark Corporation

William N Lobel
Matthew J Pero

Chapter 11

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8:20-10143 Bridgemark Corporation

Chapter 11

**#6.00 Joint Objection of Bridgemark Corporation And Placentia Development
Company, LLC Claims:
(con't from 7-28-21)**

Claim No. 17-1

Mary Jean Boyd Todd

Claim No. 19-1

Sheri C. Parks Trust

Claim No. 20-1

**Survivors Trust of Politiski Trust
(aka Plitiski Survivors Trust)**

Claim No. 21-1

Ridley J. Politiski

Claim No. 22-1

Michael P. Politiski

Claim No. 23-1

Marianne P. Covington

**Claim No. 24-1
Family Trust**

Richard And Karen Clements

**Claim No. 26-1
Revocable Trust**

The Catherine S. Chandler

Claim No. 27-1

D. McFarland Chandler Jr.

Claim No. 28-1

D. McFarland Chandler

Claim No. 29-1

Ethel Severson Living Trust

Claim No. 31-1

Robert Hall

Claim No. 32-1

John Kraemer

Claim No. 33-1

Christine Vetter Pate

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Bridgemark Corporation

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Claim No. 34-1

Susan Elizabeth Vetter

Claim No. 35-1

Laughlin E. Waters

Docket 478

Tentative Ruling:

Tentative for 8/4/21:
See #5. Status?

Tentative for 7/28/21:
Sustain. The arguments of Mr. Kraemer, and by extension any others similarly situated, seem beside the point (or at least unclear) based on the court's understanding of events. The leases have all been assumed by prior order of this court and assigned to a buyer. No abridgment was made of rights thereunder. If rights exist for access to mineral rights holders and/or payment for extraction under those leases, and/or resistance to capping of wells, they remain so in the hands of the transferee. But the court is not inclined to get into advisory opinions on what might be triggered by future events and those disputes, if any, will be the domain of another court. The objectors allege that all monetary claims that might be characterized as administrative have already been paid, and thus claims for those sums disallowed. The court sees nothing to dispute that allegation.

Party Information

Debtor(s):

Bridgemark Corporation

Represented By
William N Lobel

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Matthew J Pero

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